APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/823,242	03/30/2001	Toshikatsu Maeda	263/129	6319

			EXAMINER
26389	7590	09/24/2004	ZHONG, CHAD

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ART UNIT	PAPER NUMBER
2152	

DATE MAILED: 09/24/2004

Please find below and/or attached an Office communication concerning this application or proceeding.

-- *The MAILING DATE of this communication appears on the cover sheet with the correspondence address* --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE <u>3</u> MONTH(S) FROM
THE MAILING DATE OF THIS COMMUNICATION.
- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed
  after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
  Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any
  earned patent term adjustment. See 37 CFR 1.704(b).

Status

1)☒ Responsive to communication(s) filed on *29 July 2002*.

2a)☐ This action is **FINAL**.   2b)☒ This action is non-final.

3)☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is
closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

4)☒ Claim(s) *1-18* is/are pending in the application.

    4a) Of the above claim(s) _____ is/are withdrawn from consideration.

5)☐ Claim(s) _____ is/are allowed.

6)☒ Claim(s) *1-18* is/are rejected.

7)☐ Claim(s) _____ is/are objected to.

8)☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

9)☒ The specification is objected to by the Examiner.

10)☐ The drawing(s) filed on _____ is/are: a)☐ accepted or b)☐ objected to by the Examiner.

    Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).

    Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).

11)☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

12)☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).

    a)☒ All   b)☐ Some * c)☐ None of:

      1.☒ Certified copies of the priority documents have been received.

      2.☐ Certified copies of the priority documents have been received in Application No. _____.

      3.☐ Copies of the certified copies of the priority documents have been received in this National Stage
application from the International Bureau (PCT Rule 17.2(a)).

    * See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

1) ☒ Notice of References Cited (PTO-892)

2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)

3) ☐ Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
    Paper No(s)/Mail Date _____.

4) ☐ Interview Summary (PTO-413)
    Paper No(s)/Mail Date. _____ .

5) ☐ Notice of Informal Patent Application (PTO-152)

6) ☐ Other: _____.

DETAILED ACTION

1.   Claims 1-18 are presented for examination.

2.   It is noted that although the present application does contain line numbers in specification and claims, the line numbers in the claims do not correspond to the preferred format. The preferred format is to number each line of every claim, with each claim beginning with line 1. For ease of reference by both the Examiner and Applicant all future correspondence should include the recommended line numbering.

3.   Applicant is required to update the status (pending, allowed, etc.) of all parent priority applications in the first line of the specification. The status of all citations of US filed applications in the specification should also be updated where appropriate.
Examiner was unable to locate Japanese Patent Application Laid Open No. Sho60-198950, further, the Applicant's description of the transfer gate is vague and imprecise. The Examiner requests the Applicant to provide the translated version of Sho60-198950 along with proper functionality regarding to the transfer gate in the future amendment.

Claim Rejections - 35 USC § 102

4.   The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless --

(e) the invention was described in a patent granted on an application for patent by another filed in the United States before the invention thereof by the applicant for patent, or on an international application by another who has fulfilled the requirements of paragraphs (1), (2), and (4) of section 371 (c) of this title before the invention thereof by the applicant for patent.

5.   Claims 1-13, 16-18 are rejected under 35 U.S.C. 102(e) as being anticipated by Lamb et al. (hereinafter Lamb), US 6,747,970.

6.   As per claim 1, Lamb teaches a provider transfer server which provides a predetermined

service for a user node, the server comprising:

        a first communication unit which serves as an access point connected from the user node;

        a second communication unit which connects the server to any one of access points owned by

a plurality of connection service providers (Fig 3, the first and second communication units are

communications interfaces);

        a detection unit which detects a connection service state of a plurality of the connection

service providers (Col. 11, lines 35-45; Col. 15, lines 35-50);

        a selection unit which selects a connection service provider based on the state detected by

said detection unit and which instructs said second communication unit to get connected to an

access point of the connection service provider selected (Col. 15, lines 35-50); and

        a communication channel establishing unit which establishes a communication channel

between said first and second communication units in the event that said second communication

unit is connected to the access point of the selected connection service provider (Col. 15, lines 35-

50; Fig 3; wherein the communications channel is established between the end node and the

service node).

7.   As per claim 2, Lamb teaches a provider transfer server as recited in claim 1, further

comprising a unit which registers in advance a user's preference for a connection service provider

to be selected, wherein said selection unit chooses a connection service provider according to the

user's preference, based on the state detected by said detection unit (Col. 15, lines 1-25; Col. 16,

lines 1-19; wherein the user selectively chose the type of service he/she wants).

8.   As per claim 3, Lamb teaches a provider transfer server as recited in claim 1, wherein

said selection unit selects a connection service provider whose lines are relatively open at the

time said detection unit detects the state (Col. 15, lines 35-50).

9.   As per claim 4, Lamb teaches a provider transfer server as recited in claim 2, wherein

said selection unit selects a connection service provider whose lines are relatively open at the

time said detection unit detects the state (Col. 15, lines 35-50).

10.   As per claim 5, Lamb teaches a provider transfer server as recited in claim 1, wherein

said selection unit selects a connection service provider whose connection fee is relatively low, at

the time said detection unit detects the state (Col. 15, lines 35-50).

11.   As per claim 6, Lamb teaches a provider transfer server as recited in claim 2, wherein

said selection unit selects a connection service provider whose connection fee is relatively low, at

the time said detection unit detects the state (Col. 15, lines 35-50).

12.   As per claim 7, Lamb teaches a provider transfer server as recited in claim 1, further

comprising:

      a recording unit which records sessions where the communication channel is established for

the connection service provider, for each connection service provider; and

      a charge unit which calculates a service fee incurred by a user for each connection service

provider, based on data of the session recorded by said recording unit (Col. 14, lines 45-61;

wherein the billing is based on length of the call and this information is kept track in a table).

13.   As per claim 8, Lamb teaches a provider transfer server as recited in claim 1, wherein

said second communication unit and a plurality of the connection service providers are connected

in an area more local than the Internet (Col. 22, lines 25-40).

14.   As per claim 9, Lamb teaches a provider transfer server as recited in claim 1, further

comprising:

      a unit which supplies the detected state to a terminal of the user node; and

an acquisition unit which acquires, from the user node, an instruction on selection of the

connection service provider, wherein said selection unit selects the connection service provider

by referring to the instruction (table 1; Col. 15, lines 1-25; Col. 16, lines 1-19).

15.   As per claims 10-12, claims 10-12 are rejected for the same reasons as rejection to claim

7 above.

16.   As per claim 13, Lamb teaches a provider transfer server as recited in claim 1, further

comprising:

an authenticating unit which authenticates that the user node is a legitimate user of the

provider transfer server; and

an authentication data supplying unit which, upon request of authentication from the

connection service provider, supplies data necessary for the requested authentication, wherein the

provider transfer server is regarded as a user by the connection service provider (Col. 30, lines

15-45; wherein the user agent establishes communications with a remote server, provide for

proper authentication).

17.   As per claim 16, Lamb teaches a provider transfer server as recited in claim 1, wherein

there are provided a plurality of said second communication units which are permanently

connected to respective internet service providers, whereby said selection unit selects said second

communication units (Fig 3; wherein the second communication units are service provider's

servers, they are continuously activated to provide selectable services for the end users).

18.   As per claim 17, Lamb teaches a provider transfer server as recited in claim 1, wherein

prior to or after establishment of a connection between the user node and the provider transfer

server, the detection unit accesses each internet service provider so as to obtain the latest data on

the internet service providers (Col. 15, lines 1-25, lines 35-52).

19.   As per claim 18, claim 18 is rejected for the same reasons as rejection to combination of

claims 1 and 13 above.

Claim Rejections - 35 USC § 103

20.   The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all

obviousness rejections set forth in this Office action:

> (a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in
> section 102 of this title, if the differences between the subject matter sought to be patented and the prior art
> are such that the subject matter as a whole would have been obvious at the time the invention was made to a
> person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be
> negatived by the manner in which the invention was made.

21.   Claims 14-15 are rejected under 35 U.S.C. 103(a) as being unpatentable over Lamb et

al. (hereinafter Lamb), US 6,747,970, in view of Applicant admitted prior art (pg 12).

22.   As per claim 14, Lamb does not explicitly teach a provider transfer server as recited in

claim 1, wherein said selection unit includes a transceiver gate having an output disable terminal

in the event that a path between said first communication unit and said second communication

unit is of a digital signal path.

23.   Applicant admitted prior art teaches this function on pg 12, [0039].

24.   It would have been obvious to one of ordinary skill in this art at the time of invention was

made to combine the teaching of AAPA and Lamb because they both dealing with monitoring of

network conditions and selecting services on behalf of user. Furthermore, the teaching of AAPA

to allow

a provider transfer server as recited in

claim 1, wherein said selection unit includes a transceiver gate having an output disable terminal

in the event that a path between said first communication unit and said second communication

unit is of a digital signal path.

would improve the switching capabilities for Lamb's system by forming an inductive connection in between the first communication unit and the second communication unit.

Conclusion

25.   The prior art made of record and not relied upon is considered pertinent to applicant's disclosure. The following patents and publications are cited to further show the state of the art with respect to "Provider Transfer Server And A Method Of Providing A Provider Transfer Service".

i.	US 6633910	Rajan et al.
ii.	US 249806	Kohda et al.
iii.	US 6031896	Gardell et al.
iv.	US 6029151	Nikander, Pekka.
v.	US 5636346	Saxe, Andrew N.G.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Chad Zhong whose telephone number is (703) 305-0718. The examiner can normally be reached on M-F 7am-4:30pm.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, John A Follansbee can be reached on 703-305-8498. The fax phone numbers for the organization where this application or proceeding is assigned are 703-746-7239 for regular communications and 703-746-7238 for After Final communications.

Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the receptionist whose telephone number is 703-305-3900.

CZ
September 14, 2004

JOHN FOLLANSBEE
SUPERVISORY PATENT EXAMINER
TECHNOLOGY CENTER 2100